

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

Petition for Revocation of Supervised Release

Name of Offender:	Derek Chavez
Docket Number:	1084 1:09CR03366 -003WJ
Assigned Judge:	Honorable William P. Johnson, United States District Judge
Date of Original Sentence:	02/10/2012
Original Offense:	18 U.S.C. 3: Accessory After the Fact
Original Sentence:	BOP: 24 months; TSR:3 years
Date Supervision	10/23/2017
Recommended:	
Date Supervision Expires:	02/22/2020
Other Court Action:	On October 23, 2017, the defendant's supervised release was revoked for absconding from supervision and failing to obtain employment. The defendant was sentenced to 56 days (Time Served) with 28 months of supervised release to follow.

PETITIONING THE COURT

To issue a warrant.

U.S. Probation Officer of the Court, Erick Newton, alleges the offender has violated the following condition(s) of supervised release.

Violation Nature of Noncompliance

Type

SC	The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
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On November 1, 2017, the probation officer contacted the defendant's aunt, who agreed to third party custody of the defendant. She indicated the defendant left the apartment in the evening on October 26, 2017, and she had not seen him since then. On November 8, 2017, the probation officer contacted the defendant's aunt again, to see if he had returned, but she stated he still had not returned to the residence since October 26, 2017. The defendant was declared an absconder from supervision on November 8, 2017.

SPC

The defendant must participate in and successfully complete an outpatient substance abuse treatment program approved by the probation officer, which may include testing. The defendant is prohibited from obstructing or attempting to obstruct or tamper, in any fashion, with the collection, efficiency and accuracy of any substance abuse testing device or procedure. The defendant may be required to pay a portion of the cost of treatment and/or drug testing as determined by the Probation Office.

On October 25, 2017, the defendant was referred for substance abuse counseling and drug testing at A New Awakening treatment program. The program staff members made numerous

attempts to contact the defendant, but he never returned their calls. Messages were left with the defendant's aunt and she confirmed delivery of those messages. The defendant told his aunt he would report directly to the program, but he did not. On November 8, 2017, the defendant was terminated from A New Awakening for failing to attend any sessions.

The maximum statutory penalty: 2 years imprisonment; 3 years supervised release. Underlying Class C Felony.
The revocation range of imprisonment: 3 to 9 months. CHC I. Grade C violation.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on 11/08/2017.

Submitted:

Approved:

☒ Phone Approval



Erick Newton
U.S. Probation Officer

Kimberly Brawley
(505) 346-7274
Assistant U.S. Attorney

Date: 11/08/2017